

Zoning Ordinances Introduced: February 2011

Municipality	Ordinance #	Public Hearing Date	Summary	Staff Comments
Township of Harding	02-11	3/16/11	<p>Various amendments are proposed to the stormwater management and the dry well requirements of the Land Use and Development Regulations, including the following:</p> <ul style="list-style-type: none"> • The construction of new roofed areas, patios and recreation courts shall be subject to the dry well installation requirements of various listed sections of the regulations. • Plans for such dry wells shall be submitted to the Township Engineer for review and approval, which shall require issuance of a grading permit. • The dry well section of the stormwater management regulations is modified so that a waiver from strict compliance with the dry well installation requirement may be granted by the Township Engineer (instead of the Planning Board or Board of Adjustment as under existing regulations). • The existing section describing the circumstances when a waiver from strict compliance with the stormwater management regulations is permissible is amended as follows: <ul style="list-style-type: none"> - In addition to a showing of no impact on adjacent waterways (as under existing regulations), the applicant must now demonstrate no impact on adjacent property. - This determination shall be made by the Township Engineer (instead of the “municipality” as under existing regulations). - Any final decision by the Township Engineer on a waiver request may be appealed to the Board of Adjustment. 	
Township of Harding	03-11	3/16/11	<p>A new chapter establishing regulations pertaining to grading permits is added to the Township Code. The stated purpose is that “grading and related site improvements not subject to subdivision or site plan approval should be suitably regulated to ensure compliance with various Township requirements.” The new regulations detail the circumstances in which a grading permit shall be required, projects exempt from the requirements, procedures, enforcement and standards for issuance of permits.</p>	
Township of Harding	04-11	3/16/11	<p>Amend the Land Use and Development Regulations to add several new items to the submission requirements in the application checklist for subdivisions and site plans. Added items include digital copies of plans, lot boundaries, wetlands, and flood hazard areas (among other things). For applications requiring Morris County Planning Board approval, digital submissions shall be prepared according to standards used by the Morris County Planning Board.</p>	

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Township of Rockaway	11-3	3/1/11	Amend the Land Use and Development Regulations to revise the definition of “minor site plan.” Besides a rewording for clarification, the definition is amended to include the improvement (including additions) of existing site facilities where the construction involves no more than 2,000 square feet of floor area. Under existing regulations such additions would not satisfy the criteria for a minor site plan.	
Township of Roxbury	3-11	3/22/11	<p>Amend the Land Development Regulations as follows:</p> <ul style="list-style-type: none"> Add a new definition: “Date of Submission of an Application for Development,” which shall mean the date on which an application is deemed administratively sufficient, is assigned a docket number, and is scheduled for a public hearing to determine completeness, in accordance with the provisions sets forth (in eight listed sections of the regulations), as applicable, provided however, if the application is determined to be incomplete and the incomplete items are not submitted within the time frame provided, then the date of submission will refer to the date on which a new compliant application is filed. Modify the existing definition: “Application for Development,” to provide additional detail regarding the contents of an application, including references to the items required by various listed sections of the regulations. <p>The stated purpose of the ordinance is that the Township Council wishes to eliminate any ambiguity with respect to the terminology used in the recent “time of decision” amendment to the MLUL, which will take effect on May 5, 2011. The “time of decision” amendment states that those development regulations which are in effect on the date of submission of an application for development shall govern the review of that development. Any provisions of an ordinance that are adopted subsequent to the date of the application shall not be applicable to that application for development.</p>	<p>This is the first ordinance in response to the “time of decision” amendment to the MLUL in Morris County. Senate Bill S-82 passed in 2010 (P.L. 2010, c. 9) amending the MLUL (C.40:55D-10.5). As quoted from the pamphlet law:</p> <p>“Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.”</p>
Township of Roxbury	4-11	3/22/11	Amend the Land Development Regulations to state that no zoning permit shall be issued unless the applicant submits proof that no taxes or assessment for local improvements are due or delinquent on the property for which the application is made. This is as permitted by the MLUL.	As per C. 40:55D-39 (e) “Discretionary contents of ordinance.”

Zoning Ordinances Adopted: February 2011

Municipality	Ordinance #	Date Adoption Filed	Summary	Staff Comments
Borough of Lincoln Park	1-11	2/28/11	Amend the Stormwater Management Regulations to modify the net fill requirements for Flood Plain Development to a zero net fill requirement so as to be consistent with the NJDEP regulations.	
Township of Long Hill	273-11	2/15/11	Amend the Land Use Regulations to reduce the number of off-street parking spaces required along Main Avenue in the B-1-5 Village Business Zone by 50%. The stated purpose is “to relax onsite parking requirements in the B-1-5 Village Business Zone to encourage business development and redevelopment in downtown Stirling.”	
Township of Washington	RO-22-10	2/9/11	The stated purpose of this ordinance is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and to prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer systems operated by the Township and/or the waters of the State so as to protect public health, safety and welfare, and prescribes penalties for the failure to comply.	This ordinance was not submitted to Morris County prior to adoption.

Proposed Ordinances Received: 6

Adopted Ordinances Received: 3

Total Ordinances Processed: 9